

## **Remarks**

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

As of the subject action, claims 1, 7, 8, 10, 12, 16, and 18-31 are pending, of which claims 1 and 28 are independent claims, and claims 7, 8, 10, 12, 16, 18-27, and 29-31 are dependent. With this response, Applicants have amended claims 1 and 28. Applicants respectfully submit that no new matter is believed to have been added.

### ***Claim Rejections – 35 U.S.C. § 101***

Claims 1, 7, 8, 10, 12, 16, and 18-27 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Examiner has rejected claim 1 because, as the Applicants understand, the Examiner believes the method of claim 1 is not (1) tied to another statutory class (such as a particular machine or apparatus) *or* does not (2) transform the underlying subject matter (such as an article or materials) into a different state or thing. Applicants respectfully traverse this rejection.

The Examiner appears to believe that because, "[a]ccording [to] the American Heritage Dictionary of the English Language, a 'server' can be a computer or program," Applicants' server, as recited in independent claim 1, "falls under the category of 'program', i.e. software per se, and is therefore non-statutory". See the subject action, page 3. Applicants respectfully disagree. However, in order to accelerate prosecution of the subject application and to clarify the subject matter which Applicants regard as the invention, Applicants have amended independent claim 1 to include "enterprise base system server

computers." rather than "enterprise base system servers". See Applicants' amended independent claim 1; emphasis added.

Therefore, Applicants' respectfully submit that the servers recited in Applicants' amended independent claim 1 are "server computers" rather than "programs", and that Applicants' amended independent claim 1 is directed towards statutory subject matter. Since claims 7, 8, 10, 12, 16, and 18-27 depend from amended independent claim 1, Applicants respectfully submit that those claims are also directed towards statutory subject matter. As such, withdrawal of the rejection to claims 1, 7, 8, 10, 12, 16, and 18-27 under 35 U.S.C. § 101 is respectfully requested.

### ***Claim Rejections – 35 U.S.C. § 103***

Claims 1, 7, 10, 16, 18-25, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0018510 (hereinafter "Sanches") in view of U.S. Patent No. 7,069,192 (hereinafter "Freitag"). Applicants respectfully traverse this rejection.

The Examiner maintains that Freitag discloses the limitations "capturing a history of the enterprise change" and "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change" of Applicants' independent claim 1, as submitted with the amendment of July 7, 2009. In response to Applicants' amendment and remarks of July 7, 2009, the Examiner states "Applicants' position rests on the assertion that 'CAD changes and enterprise changes are not similar', however the mere nature of the intended use of a change-log will not solely distinguish the claims as patentable over the prior art". Applicants respectfully disagree.

However, in order to accelerate prosecution of the subject application, Applicants have amended independent claim 1 to clarify that Freitag's CAD changes have no relation to Applicants' subject matter as recited in the claims. Applicants' amended independent claim 1 is provided below for the Examiner's convenience:

1. (Currently Amended) A method of facilitating enterprise change comprising:

generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system server computers connected to at least one database through base system connectors to execute pre-change due diligence and post-change integration of the enterprise change, wherein the enterprise change is at least one of a merger and acquisition;

identifying a synergy via the single logical information system across the two or more enterprise base system server computers;

conducting the synergy via the single logical information system across the two or more enterprise base system server computers;

capturing a history of progress of the synergy, the history including a comparison of estimated synergy impact, and actual synergy impact realized, wherein capturing the history includes retrieving information via the single logical information system across the two or more enterprise base system server computers; and

applying, via the single logical information system across the two or more enterprise base system server computers, the history to at least one subsequent synergy to achieve the subsequent synergy by improving an estimated impact of the subsequent synergy. (See Applicants' amended independent claim 1).

Support for Applicants' amendment to claim 1 may be found at least in paragraphs [0034], [0101], and [0113], and Figures 19 and 21 of the subject application, as published. Paragraphs [0034], [0101], and [0113], and Figures 19 and 21 of the subject application, as published, are provided below for the Examiner's convenience:

[0034] The restructuring integration process 100 includes a post-integration assessment process 110. **The post-integration assessment process 110 measures achieved synergies against targets, accesses where improvements can be made in synergy estimation and/or in integration execution, and applies history to a next**

transaction. (See the subject application, as published, paragraph [0034]; emphasis added).

[0101] Additionally, the system 10 reduces the risk of information loss between merger members from pre-merger to post-merger activities. Furthermore, teams for planning and execution are well informed on the objectives and assumptions of the merger deal. These planning and execution teams collaborate and provide feedback once more detailed information is available in the due-diligence stage. The synergy progress can be tracked and measured against original targets, and the system 10 provides the required closed-loop feedback for improving synergy assumptions in the next merger deal. (See the subject application, as published, paragraph [0101]; emphasis added.)

[0113] The stakeholder user 2602 inspects a list of sales-related synergies 2635, along with an expected financial impact 2640. The synergy list 2635 shows a measure of the progress of synergies 2650 and a real-time financial impact estimation 2645. The synergy list 2635 can also present related synergy owners 2655 and related initiatives 2660. (See the subject application, as published, paragraph [0113]; emphasis added.)

2600

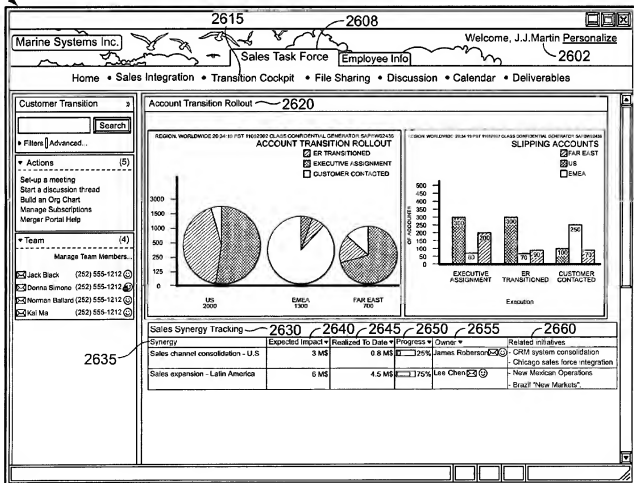


FIG. 19

2800

Offshore Systems Inc.  
Merger and Acquisition System

1132  
Welcome! Norman

Pre-Deal Research

Home | Deals 2810 Jump to Candidate

Deal: Pro-Sailing Outfitter  
Candidate: Speedial Inc.

Financial Checklist >>

Operations Checklist

Candidate Profile 2818

Research and Reports

Meetings

Synergies and Risks Summary

Actions

- Export deal sheet to PowerPoint 2830

Candidate: Speedial Inc. Financial Due Diligence Checklist: Procurement Assessment

Owner: Norman Ballard 1132

Other Contributors: Jack Black, Donna Simone 2817

Description: Document large procurement synergies and risks. This process helps determine the value of the company and get a first look at the over all cost savings expected from a potential equation.

Net Financial Impact: 2819

\$ 1.30 M 2840 2841 2842 2845

Add New Synergy Add New Risk Delete View: All

Type	Title 2831	Added By	Financial Impact
<input type="checkbox"/> Risk	Only one supplier of key parts	Norman Ballard	2832 NA
<input type="checkbox"/> Synergy	United Fasteners Contract renegotiation	Norman Ballard	2833 \$ 1.30 M

Save and Close Cancel

Related Research

Legal: 2852

- Legal Due Diligence Document
- Accounting: 2854
- Financial Balance Sheet
- Statement of Cash Flow
- Internal Budget and Forecast
- Accounts Payable
- Commercial: 2856
- Suppliers and Customers
- Supplier Contract Documents
- Customer Lists
- Customer Reports
- Procurement Items List and Pricing
- Supplier's Credit Terms
- Internal Data: 2858
- Supplier Pricing
- Sample Procurement Reports

2850

2866

FIG. 21

Applicants respectfully submit that Sanches and Freitag, whether viewed individually, or in combination, do not teach or suggest each and every limitation of Applicants' newly amended independent claim 1. For example, Sanches and Freitag do not appear to teach or suggest either of the limitations: (i) "capturing a history of progress of the synergy, the history including a comparison of estimated synergy impact, and actual synergy impact realized, wherein capturing the history includes retrieving information via the single logical information system across the two or more enterprise base system server computers," or (ii) "applying, via the single logical information system across the two or more enterprise base

system server computers, the history to at least one subsequent synergy to achieve the subsequent synergy by improving an estimated impact of the subsequent synergy" as recited in Applicants' amended independent claim 1.

As such, Applicants respectfully submit that newly amended independent claim 1 is in condition for allowance. Since Applicants have amended independent claim 28 to include similar limitations to that of claim 1, Applicants respectfully submit that amended claim 28 is in condition for allowance as well. Further, since claims 7, 8, 10, 12, 16, 18-27, and 29-31, depend, either directly or indirectly, from Applicants' newly amended independent claim 1 or 28, Applicants respectfully submit that those claims are also in condition for allowance. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 7, 8, 10, 12, 16, 18-31 under 35 U.S.C. § 103.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above-described remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone

Applicants' attorney (617-305-2143) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

Dated: 11 February 2010

/Brian J. Colandreo/

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